

**FEDERAL COMMUNICATIONS COMMISSION**  
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**WASHINGTON DC 20554**

**MEDIA BUREAU**  
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June 9, 2009

Chris Singleton  
Board of Education of Kent County  
25301 Lambs Meadow road  
Worton, Maryland 21678

Re: Board of Education of Kent County  
WKHS(FM), Worton, Maryland  
Facility Identification Number: 6057  
Special Temporary Authority

Dear Mr. Singleton:

This is in reference to the request filed June 8, 2009, on behalf of Board of Education of Kent County ("BEKC"). BEKC requests special temporary authority ("STA") to operate Station WKHS with temporary facilities.<sup>1</sup> In support of the request, BEKC states that the licensed antenna is over 35 years old and in poor condition and must be replaced immediately. BEKC states that it has filed Application BPED-20090512ACL to change from horizontal-only to vertical polarization. In order to provide for continued operation of Station WKHS during the pendency of the application, BEKC seeks STA for operation with its replacement antenna, but with reduced effective radiated power of 16 kW in order to provide equivalent protection to Channel 6 TV Station WPVI-TV, Philadelphia, Pennsylvania.

Section 73.1680 of the Commission's rules provides for operation with emergency antenna facilities following damage to authorized antenna systems, provided that an informal request for continued use of an emergency antenna is filed with the Commission within 24 hours. In particular, Section 73.1680(b)(2) provides that FM and TV stations may erect any suitable radiator, or use operable sections of the authorized antenna(s) as an emergency antenna. Our review indicates that the proposed STA operation complies with Section 73.1680.

Accordingly, the request for STA IS HEREBY GRANTED. Station WKHS may operate with the following facilities:

Geographic coordinates:	39° 16' 55" N, 76° 5' 26" W (NAD 1927)
Channel	213 (90.5 MHz)
Effective radiated power:	16 kilowatts (H&V)
Antenna height:	
above ground:	54 meters
above mean sea level:	78 meters

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<sup>1</sup> WKHS is licensed for operation on Channel 213B1 (90.5 MHz) with effective radiated power of 17.5 kilowatts (H only) and antenna height above average terrain of 66 meters.

Above average terrain: 66 meters

BEKC must notify the Commission when licensed operation is restored. BEKC must use whatever means are necessary to protect workers and the public from exposure to radio frequency radiation in excess of the Commission's exposure guidelines. *See* 47 CFR § 1.1310.

This authority expires on **December 9, 2009**.

**STA Advisory:** Section 309(f) of the Communications Act of 1934, as amended, authorizes the Commission to grant STA in cases of "extraordinary circumstances requiring temporary authorizations in the public interest and when delay in the institution of the temporary operations would seriously prejudice the public interest." However, Section 309(f) is not a means by which a licensee/permittee may circumvent established processing procedures which require the filing of an application, nor is it a means by which a broadcaster may enhance his facility or make operation more convenient for the broadcaster. Stations operating with less than licensed facilities under temporary authorities can be viewed as receiving the benefit of a larger protection area than that in which they are currently providing service.

Accordingly, Special Temporary Authorities by nature are to be temporary and are not intended for extended use. Licensees of stations operating under temporary authorities are reminded that timely restoration of permanent facilities is the responsibility of the licensee and should be undertaken expeditiously. Any request for extension of special temporary authorities carries an increased burden with each subsequent request.

Therefore, requests for extension of STA will be granted only where the licensee can show that one or more of the following criteria have been met:

- Restoration of licensed facilities is complete and testing is underway;
- Substantial progress has been made during the most recent STA period toward restoration of licensed operation; or
- No progress has been made during the most recent STA period for reasons clearly beyond the licensee's control, and the licensee has taken all possible steps to expeditiously resolve the problem.

Sincerely,



Charles N. Miller, Engineer  
Audio Division  
Media Bureau

cc: Board of Education of Kent County